micrograms per square meter. That is what is happening today.

Now, the next chart shows what would happen if you did away with all powerplants by the year 2020. You can see it really is not that different. So it gets right back to that chart that only 1 percent is affected to begin with.

The seventh reason is that repealing the rule would be a rollback in the first ever mercury regulation to control powerplants. I hope everybody understands that powerplants have never been regulated for mercury.

It hasn't happened. It has never happened. They tried it in the Carter administration. Many of us wanted that to happen. I wasn't here at that time, but the Carter administration punted it to the Reagan administration. The Reagan administration didn't do it. They didn't regulate mercury. They punted it to the Bush 1 administration. He didn't do it. He punted it to President Clinton. The Clinton administration did nothing toward regulation of mercury. He punted it to the current administration and they are doing it. We are now regulating mercury for the first time in the history of this country. It is this administration that is doing it.

The eighth reason is, of the 144 tons of mercury deposited yearly in the United States, only 11 tons come from U.S. powerplants. With the new rule, that amount will drop down to 3.4 tons.

Then, No. 9, it is easy to scare people. We are really good at that, talking about how many people are going to die. It is very interesting. I want people who are scared because they have heard politicians talking about the doom and gloom of this thing to look at the NHANES study which shows that not a single woman or child has a blood mercury level approaching the level at which even the smallest effect was observed by the study.

Lastly, even if it worked, the technology is not there. If we should adopt this, the technology is not there.

I retain the remainder of my time and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Vermont has 5 minutes remaining. The Senator from Oklahoma has 2 minutes 37 seconds remaining.

Mr. LEAHY. I yield 2 minutes to the distinguished Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Let me be clear: Similar to everybody else, I want to minimize fuel switching which could drive up the cost of natural gas even further. I, too, want coal to continue to be the backbone of our electricity-generating sector. Adopting a strong mercury rule is not inconsistent with either of those goals. It is consistent with protecting the health of pregnant women and children, among the most vulnerable members of our society.

The fears about the impacts of a strong mercury rule on coal and natural gas are unfounded. I am not aware of credible evidence that shows that powerplants will switch from coal to natural gas in order to comply with a more stringent mercury rule. The Energy Information Administration tried to say that fuel switching will occur. But listen to some of the assumptions they adopted to reach that conclusion.

First, they had to assume that natural gas prices would fall to $3.50 per thousand cubic feet 5 years from now in order to show that it would make economic sense for powerplants to switch from coal to natural gas. Let me tell you how much natural gas cost last week: $12. The week before Katrina hit, it was $9.50. I don't think there is any way natural gas prices are going to be $3.50 5 years from now. I hope I am wrong, but the odds are I am not.

Second, the Energy Information Administration had to assume that technology to control mercury does not exist. It does exist. There are already powerplants in the Northeast that have been reducing their mercury pollution by more than 80 percent for the last 5 years. Last month, Colorado-based ADA-Environmental Solutions was awarded another contract to install new mercury control technologies on two new powerplants being built in the Midwest.

The technology has been developed. The technology is being implemented. We can do better than the Bush rule. We can do better than that and we should. We have an obligation to our constituents, and we can do it in a way that balances our needs to preserve coal and to protect the most vulnerable among us.

S.J. RES 20

Mr. KENNEDY. Mr President, I strongly support S.J. Res. 20, and I commend Senator LEAHY for sponsoring the resolution to block the EPA's mercury cap and trade rule.

The mercury rule is a rule that only an administration bought and paid for by big energy could love. It's a shameful rollback of the Clean Air Act to allow owners of fossil fuel power plants to avoid the expense of installing new technology to reduce dangerous emissions.

Mercury is an extremely dangerous neurotoxin that accumulates in the environment. It is particularly harmful to pregnant women, and puts the fetus at risk of serious developmental disorders.

The Centers for Disease Control has reported that 630,000 of the 4 million infants born in the United States each year—16 percent—are at risk for mercury-related brain damage. In the Northeast, this figure translates into over such 84,000 newborns per year.

Last week, the Mount Sinai School of Medicine Center for Children's Health and the Environment reported that the cost to the Nation of the impact of mercury on children's brain development is $2 billion a year.

These newborns are being poisoned by the mercury which coal-fired power plants spew into the air and eventually pollutes the water, and enters the food chain. Mercury advisories now apply to nearly a third of the area of America's lakes and 22 percent of the length of our rivers.

Incredible as it seems, however, EPA—the agency charged with protecting the environment—has issued a rule that would actually lead to more of this toxin in the water we drink and the air we breathe.

Obviously, it's important to have adequate power to keep the lights on. But we also need to protect our children's health. We can do both by requiring that power plants use the best technology to control mercury emissions.

I urge my colleagues to vote for passage on this needed resolution to restore a sensible anti-mercury policy for the Nation.

Mr. SPECTER. Mr. President, I have sought recognition to give my reasons for voting against the so-called Leahy-Collins resolution.

I believe mercury pollution is a real problem, particularly for vulnerable populations, including children. Given these concerns, I support efforts to reduce mercury emissions from coal-fired power plants, which account for 42 percent of U.S. emissions. This is in line with my support for many years for clean coal technologies, which will allow our Nation to utilize our most abundant natural resource in a cleaner, more efficient manner.

Debate on this resolution has revolved around two regulatory approaches—a maximum available control technology, MACT, rule or a cap-and-trade rule. I suggest that there is a third option that combines elements of both. A MACT system is enormously expensive on its own, costing up to $358 billion according to the Energy Information Administration, compared to $2 billion estimated by EPA for a cap-and-trade approach. However, a cap-and-trade-only system is inadequate on reducing pollution levels around specific plants, referred to as ''hot spots.'' The Leahy-Collins resolution would tie EPA's hands by restricting it to a MACT-only approach.

Under a third option, EPA could set a national emissions level, based on the best available science to protect public health and the environment, and implement a cap-and-trade system to meet this goal with the addition of measures to take care of hot spots, EPA could require reductions at specific plants. To this end, I have written the Administrator of the EPA urging this hybrid approach, which would meet environmental goals while balancing the implementation costs faced by consumers.

I ask unanimous consent that my letter to EPA Administrator Johnson be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 13, 2005.

Hon. STEPHEN L. JOHNSON,
Administrator, Environmental Protection Agency, Washington, DC.

DEAR ADMINISTRATOR JOHNSON: I am writing regarding the Clean Air Mercury Rule announced by the Environmental Protection Agency (EPA) on March 29, 2005 and urge that you reconsider this rule.

Mercury pollution is of great concern to me. The Commonwealth of Pennsylvania is party to a suit in the U.S. Court of Appeals for the DC Circuit, which seeks to overturn the mercury rule.

As you reconsider this rule, I propose that the most reasonable approach to reducing U.S. mercury emissions from power plants would include a national cap with plant-specific reductions for those facilities found to be responsible for high levels of local mercury deposition, as some call ''hot spots.'' This would provide the flexibility needed by utility companies to make decisions on the appropriate mercury reductions at their plants, while avoiding the potentially inevitable problem of fuel switching to natural gas under a Maximum Achievable Control Technology (MACT) standard.

Reducing mercury pollution is extremely important to the nation. Beyond that, there are specific concerns the Commonwealth of Pennsylvania has, which concern this rule and the problems Pennsylvania faces with mercury-contamination fish advisories for every water body in the state.

Thank you for your attention to this matter. I look forward to your response to these concerns.

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. I assure my colleagues and my constituents that I will be monitoring this situation as the current mercury rule is litigated in the court system and as EPA considers further mercury emission control options.

Mr. BYRD. Mr. President, today I will vote against S.J. Res. 20, the joint resolution of disapproval concerning the mercury emissions rules that were promulgated by the Administrator of the Environmental Protection Agency, EPA, on March 15, 2005. At the same time, I have some significant reservations about the sometimes questionable decisions that the administration made to revise the regulations and achieve the final result. In short, I cannot condone this rule making process; I remain very concerned about the possible impacts these new regulations could have on eastern coal; and I urge the administration to increase its commitment to funding important mercury control technology programs.

On one hand, coal, electric utility, and other industry interests are concerned that returning to the more stringent mercury control standards proposed by the Clinton administration would lead to negative economic impacts, including fuel switching to natural gas. They believe that the intent of S.J. Res. 20 would be to force the EPA to require a 90 percent reduction in mercury emissions from each coal-fired powerplant, and this would also directly impact West Virginia's chemical, agricultural, and industrial uses of natural gas. I am therefore concerned that a vote for S.J. Res. 20 would support regulations that are more draconian and costly than could be borne by the economy at this time.

However, like the United Mine Workers, I remain concerned about the potential impacts that the clean air mercury rule could have on eastern coal. Time and again, eastern coals have sustained the brunt of the clean air regulations at the expense of western coals. Since the passage of the 1990 Clean Air Act amendments, western coal production has continued to climb at a steady pace while eastern and interior basin coal production, and important union mining jobs, have suffered significantly. I am troubled by evidence that, in making changes to these regulations, the Bush EPA was swayed by and, in some cases, simply copied recommendations by western coal industry interests.

Furthermore, it is important to bring to light several important reviews of these regulations by the Government Accountability Office, GAO, and the EPA inspector general. The GAO as well as the EPA inspector general criticized the EPA for ignoring critical information. Based on these reviews, the administration did a very poor job of analyzing the mercury emissions data, the economic analysis, and other critical health-based factors. It appears that the administration already had reached a predetermined answer and then worked backwards to achieve that end.

Finally, I have been very concerned about this administration's commitment to funding fossil energy research. The industry argues that there is not a sufficient, reliable suite of technologies to meet these mercury emissions standards for some years to come. Because I believe that there are negative health impacts to pregnant mothers and young children from exposure to mercury, we should take economically and environmentally sound actions to achieve these reductions. However, this administration has not increased the critical funding required to find the mercury control technologies that would enable the U.S. to meet these emission reductions sooner. The administration could do a lot more to get these technologies in place by increasing funding for these important programs.

Mr. DODD. Mr. President, today the Senate will be voting on a measure that has a direct impact on the lives of thousands of people in Connecticut and around the country. By voting yes today on the bipartisan S.J. Res. 20, Congress can reverse the EPA decision to not regulate mercury emissions under section 112 of the Clean Air Act. Under Section 112, powerplants would be required to reduce emissions of mercury and other pollutants by the maximum achievable level of control by installing stringent pollution control equipment. In March 2005, EPA issued a rule rescinding an earlier 2000 finding that it is appropriate and necessary to regulate mercury from power plants. Instead, EPA advocates a cap-and-trade system over plant-specific controls.

Mercury is a potent neurotoxin that affects the heart, brain, and immune system. By putting forth this irresponsible rule, EPA is putting the lives of millions of people at risk, especially those of children and pregnant women. Scientists have well-documented evidence of mercury toxicity. In the Northeast, a public health crisis is looming as there are estimates that over 84,000 newborns each year will be at-risk for irreversible neurological problems and cardiovascular abnormalities.

While mercury is prevalent in many household, medical, and industrial products, the largest U.S. source of mercury emissions are powerplants. The mercury is carried by the wind from powerplants and settles in the lakes and rivers hundreds of miles from the source of pollution. The pollution knows no boundary and that is the problem facing Connecticut. We do have a few less-than-perfect powerplants, but the majority of our mercury pollution comes from sources outside the State and region.

So prevalent is the pollution that 44 States have issued fish consumption advisories. In some States, no lake or river is habitable. In Connecticut, pregnant women and small children are advised to eat no more than one meal of freshwater fish per month. All others are advised to eat no more than one meal of fish per week. With statistics like this, it is clear to see that in addition to the public health consequences, there are clear economic challenges as well. Fishing is a big contributor to our local economies, contributing nearly $116 billion to the national economy.

In 2002, Connecticut took the first step in reducing mercury from the waste stream and by prohibiting the sale of many mercury products. Further, the State has implemented a comprehensive public education, outreach and assistance program. But individual States cannot address the problem of mercury emissions on their own because emissions travel far and wide. The EPA has dropped the ball and we will all suffer for it.

The EPA had a chance to take a stand for the public health and economic well-being of citizens across this country. Under Section 112 of the Clean Air Act, a nearly 90 percent reduction in mercury emissions by 2008 could have been achieved. Instead, the EPA chose to pursue an emissions cap-and-trade program that will likely achieve only a 70 percent reduction in emissions by 2018—ten years later. Because the cap-and-trade system does not require plant-specific controls, there are even some estimates that the reductions may not occur until 20 years out. We can simply not afford the delay. The Northeast States for Coordinated

Air Use Management, NESCAUM, have determined that cost-effective technologies to reduce mercury emissions by 90 percent or greater are already commercially available.

Today, we have a chance to undo what the EPA is championing and stand up for the people of this country. There is widespread opposition to the EPA rule from states, localities, health professionals, groups of faith, and many sportsmen and women. I urge my colleagues to vote for S.J. Res. 20.

Mr. LIEBERMAN. Mr. President, I offer my full support of the resolution and wish to thank Senator LEAHY, Senator COLLINS and the other cosponsors of this resolution who joined Senator LEAHY, Senator COLLINS and me in bringing it forward.

One in 12 American women of childbearing age have mercury blood levels that put their fetuses at risk for developmental delays. Developmental delays are a human tragedy, often denying children their full intellectual and psychological potential. This human tragedy means that our schools and educational system face costs and burdens borne in meeting the special needs of these children, burdens that make it that much harder for our schools to achieve their overall mission of delivering the highest quality education to all Americans. At a time of increasing global economic competition in which human capital may be our most precious resource, we simply cannot afford to squander our people or divert the resources of our schools when we can prevent the problem in the first place.

That is why in 1990, Congress passed and President George H.W. Bush signed, comprehensive clean air legislation that, among other things, put in place a mechanism for dealing with power plant mercury emissions aggressively.

Unfortunately, the EPA's Clean Air Mercury Rule defies that clear intent of Congress and the first President Bush by failing to achieve anywhere near the full level of cost-effective and timely reductions in the emission of mercury from power plants, one of the critical sources of mercury in the environment.

The EPA's mercury rule depends on the agency's decision to undercut the Clean Air Act's mechanism for addressing mercury emissions from power plants. This resolution explicitly disapproves that undercutting decision.

The resolution should be adopted because the EPA must engage in a new rulemaking that is sound and that yields the proper level of reductions that the Clean Air Act contemplates and public health and economics demand.

Findings from both the Government Accountability Office and the EPA's Inspector General suggest that the EPA has much to repair in the rulemaking that led to the current rule. The GAO found that the EPA did not adequately evaluate the health benefits that would be achieved from requiring more aggressive mercury reductions than called for under the current rule. The EPA Inspector General determined that the agency did not evaluate what level of emissions reductions were technologically achievable, as required by the Clean Air Act. In addition, the EPA ignored an EPA-funded study by the Harvard Center for Risk Analysis pointing to substantial additional cardiovascular-related heath benefits associated with mercury reduction.

The Clean Air Mercury Rule was developed and promulgated at the same time that the Clean Air Interstate Rule was. The levels of mercury reduction expected to occur as a collateral result of reductions in sulfur dioxide and oxides of nitrogen under the Interstate Rule are almost exactly those required by the Mercury Rule. This seeming coincidence raises the strong suspicion the EPA suborned its entire analysis of the Mercury Rule to the preordained goal of requiring under the Mercury Rule to effect no additional reductions in mercury than would be achieved as a collateral effect of the Interstate Rule. The flagrant flaws in the EPA's Mercury Rule rulemaking that both the GAO and the Inspector General exposed only reinforce that suspicion.

In contrast, the Clean Air Act requires the EPA to make a determination, after careful economic, technological, environmental, and public health analysis whether it was ''necessary and appropriate'' to regulate utilities' mercury emissions as a hazardous air pollutant under section 112. In December of 2000, the EPA, following the Clean Air Act's requirements, determined that power plant mercury indeed was a hazardous air pollutant, meaning that regulations under Section 112 of the Clean Air Act were ''necessary and appropriate.'' Once that determination was made EPA was required to put in place new technology-based regulations of mercury emissions from power plants, regulations that would call on each electric generating unit in the country to take technologically feasible actions to reduce its harmful emissions.

In contrast to the clear letter and spirit of the law, the new mercury rule leaves hundreds of large coal-fired power plants with absolutely no mercury controls until after 2020—if ever. In fact, the Congressional Research Service estimated that only 4 percent of installed power plant capacity is projected to require control by 2020 under this rule.

In addition, overall reduction levels under the new rule would be far below what can be achieved cost-effectively. In June, the GAO reported that the technologies exist for capturing 30–95 percent of mercury from coal. Recent tests have shown average removal rates of 70–95 percent for all coals, with those technologies applicable to the coals that account for 90 percent of power production showing mercury capture in excess of 90 percent. Currently, drastic reductions are underway in the State of Massachusetts, with mercury technology vendors working to meet a State-mandated 85 percent control level. Many, including vendors, state that 70–90 percent control can be achieved by the end of this decade. Associated costs to electricity consumers would increase by a mere 1–5 percent, according to the GAO report. These findings strongly suggest that the technology to control mercury is available now. By turning its back on a regulatory program that would achieve this level of control, the current EPA mercury rule turns its back on tens of thousands of children who will continue to be exposed unnecessarily to the development risks of mercury.

The EPA puts great stock in the use of cap-and-trade in its rule, and, as my colleagues in the Senate know, I, too, believe that cap-and-trade is a valuable tool for emissions control programs. In this case, I believe that cap-and-trade is the wrong tool to use, at least without specific technology requirements and much more stringent reduction requirements. Connecticut suffers from deposition of mercury emitted from upwind sources, and many highly populated areas within range of power plants are seeing significant deposition. To deal with mercury emissions, the case is strong, and the Clean Air Act reflects this, for requiring plant-by-plant controls.

At the same time, the EPA did next to nothing in its rulemaking to refute this case and to demonstrate that power plants' mercury emissions were only widely dispersed and yielded no local deposition. Instead, the EPA used an atmospheric model that masked, rather than revealed, whether mercury emissions have local deposition impacts. The EPA's model divided the Nation's atmosphere into a hypothetical grid of individual parcels that, at 500 square miles each, were so big that the model simply could not detect local emissions plumes and deposition even if it were occurring. When the model is run, the emissions of any large power plant within any of the model's grids are immediately dispersed by the model throughout the entire volume of that 500 square mile grid; the model simply cannot detect localized deposition occurring in any area smaller than 500 square miles! Thus, this technique cannot possibly reveal local effects occurring downwind of a large source. In effect, the model design itself created a self-fulfilling prophecy, which could only show the result that EPA wanted—that power plants emissions were dispersed, with no local deposition. In these circumstances, EPA has failed to make its case that cap and trade is the right tool to achieve both overall reductions and prevent harmful local effects.

Lastly, there is reason to believe that EPA overstated the role of global mercury emissions in high-deposition areas. If so, the case for plant-specific reduction requirements is even stronger. At the same time, even if one of the

keys to addressing mercury deposition in the U.S. is inducing other countries to reduce their emissions, there can be no more effective way to accomplish that than if the U.S. itself adopts stringent controls on its own power plants and thus stimulates the development and widespread use of the technologies to achieve those reductions. If we want other Nations to follow our policies and use our technologies then we must act first.

For these reasons, Congress must adopt this resolution and the EPA must go back to the drawing board and produce a mercury program that will truly protect the American people.

Mr. HATCH. Mr. President, earlier today I was necessarily detained from voting on S.J. Res. 20, ''A Joint Resolution disapproving a rule promulgated by the Administrator of the Environmental Protection Agency to delist coal and oil-direct utility units from the source category list under the Clean Air Act.''

Mercury emissions and rulings by Federal agencies concerning the environment are extremely important. Although my vote would not have changed the outcome, I respectfully request that the RECORD show that had I been able to cast my vote, I would have joined with the majority of Senators who voted to uphold the administration's rulings and against the resolution of disapproval.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, how much time remains?

The PRESIDING OFFICER. Three minutes.

Mr. LEAHY. Mr. President, we make a mistake when we say this is a matter of cap and trade. It is not. We are talking about a toxic waste, one that causes birth defects, IQ loss, mental retardation, and continues to poison children and pregnant women. One-sixth of pregnant women are affected. That is not cap and trade. This idea that we are only talking about 1 percent, of course, is not the case. Forty percent of the mercury comes from the United States. We are talking about the 40 percent that is affecting our rivers, our streams, our children. Do we simply ignore the proliferation of warnings all over the country that fish caught in our streams and lakes and rivers are unsafe to eat? Do we allow this rule to move forward when it has been harshly criticized by the Bush administration's own EPA inspector general? When the Government Accountability Office has said there are major shortcomings in the analysis? Or do we uphold the bipartisan work that produced the Clean Air Act that protects the health of pregnant women and children and try and clean this up now?

Every one of us will give speeches about how family friendly we are. We are talking about children. We are talking about pregnant women. I can't think of anything more family friendly than to remove this threat of mercury from them. If we vote this down, we are telling a whole generation of women and children their health is less important than energy company profits. We are going to tell them, rather than go to the scientists, rather than go with what the Bush administration's own inspector general said, instead we will take the regulations that were written, in many parts, verbatim by the industry.

What are we going to say to the families who live in the hotspots of today or tomorrow? This rule is a danger to America's women and children. It is time to do it over and do it right. I hope my colleagues will support the resolution. This is not a moot point. If we pass this resolution, maybe it will be enough of a signal to have people go back and do what the inspector general of the EPA said, what the Government Accountability Office has said, and actually do it right, actually follow their own procedures.

I thank the Chair.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, let me address a couple things that were stated. First, let me inquire as to the time remaining.

The PRESIDING OFFICER. The Senator has 2 minutes 30 seconds remaining. The Senator from Vermont has no time remaining.

Mr. INHOFE. First, it is the Energy Information Administration that came out and did the study on this. They said that there would be fuel switching. I only have to ask the question, if you are not able to use coal-fired plants, what are you going to switch to? Is it going to be windmills? There would be fuel switching, and it would have a devastating effect in terms of the problems that already exist in terms of the cost of natural gas.

The Senator from Vermont is passionate on this subject, and I don't want to be critical. But in talking about hotspots, that is the same thing that they said about acid rain—there are going to be hotspots—and it didn't happen. Thirdly, the point that was brought up on being family friendly. When you look at the fact that they say studies show that not a single woman or child has a blood mercury level approaching the level at which even the smallest affect was observed in any study, where is the real problem there? If you want to be family friendly, let's be a little concerned about the cost of fertilizer, about the cost of heating our homes when winter comes.

This is an exercise in futility. The President has already announced if this thing should pass—they will feel good and rejoice—he will veto it, and you can't override a veto. It is a done deal. The current rule regulates mercury for the first time. The current rule's cost is $2 billion, as opposed to $358 billion, a huge difference. A vote for this rule is a vote to drive the remaining chemical plants overseas. A vote for this rule is going to be a vote to increase the cost of fertilizer for every farmer in America. The cap and trade worked on acid rain, and it will work accurately now. All the talk about U.S. powerplants. They only contribute 1 percent of the mercury that is in the system now globally.

I thank the Chair.

The PRESIDING OFFICER. The time of the Senator has expired. All time has expired.

Under the previous order, the Senate will proceed to a vote on passage of the joint resolution.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

Mr. INHOFE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The joint resolution having been read the third time, the question is, Shall it pass?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Utah (Mr. HATCH).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 51, as follows:

[Rollcall Vote No. 225 Leg.]

YEAS—47

Akaka	Feingold	McCain
Alexander	Feinstein	Mikulski
Bayh	Gregg	Murray
Biden	Harkin	Nelson (FL)
Bingaman	Inouye	Obama
Boxer	Jeffords	Reed
Cantwell	Johnson	Reid
Carper	Kennedy	Salazar
Chafee	Kerry	Sarbanes
Clinton	Kohl	Schumer
Coleman	Landrieu	Smith
Collins	Lautenberg	Snowe
Corzine	Leahy	Stabenow
Dayton	Levin	Sununu
Dodd	Lieberman	Wyden
Durbin	Lincoln	

NAYS—51

Allard	DeMint	Martinez
Allen	DeWine	McConnell
Baucus	Dole	Murkowski
Bennett	Domenici	Nelson (NE)
Bond	Dorgan	Pryor
Brownback	Ensign	Roberts
Bunning	Enzi	Santorum
Burns	Frist	Sessions
Burr	Graham	Shelby
Byrd	Grassley	Specter
Chambliss	Hagel	Stevens
Coburn	Hutchison	Talent
Cochran	Inhofe	Thomas
Conrad	Isakson	Thune
Cornyn	Kyl	Vitter
Craig	Lott	Voinovich
Crapo	Lugar	Warner

NOT VOTING—2

Hatch	Rockefeller

The joint resolution was rejected.

Mr. INHOFE. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 1:14 p.m., recessed until 2:18 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

The PRESIDING OFFICER. In my capacity as a Senator from the State of Ohio, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING APPROPRIATIONS FOR SCIENCE, THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES FOR FISCAL YEAR 2006—Continued

AMENDMENTS NOS. 1650, AS MODIFIED, 1653, AND 1704

Mr. SHELBY. Mr. President, I ask unanimous consent that the managers' amendments that I now send to the desk be considered and agreed to, en bloc. These noncontroversial amendments have been cleared on both sides of the aisle.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to, en bloc, as follows:

AMENDMENT NO. 1650, AS MODIFIED

(Purpose: To make funds available to implement the Harmful Algal Bloom and Hypoxia Amendments Act of 2004)

On page 170, between lines 9 and 10, insert the following:

SEC. 304. Of the amounts made available under the heading ''NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION'' and the subheading ''OPERATIONS, RESEARCH, AND FACILITIES'', sufficient funds may be provided to implement the Harmful Algal Bloom and Hypoxia Amendments Act of 2004 (title I of Public Law 108–456; 16 U.S.C. 1451 note).

AMENDMENT NO. 1653

(Purpose: To increase funding for child abuse training programs for judicial personnel and practitioners)

On page 133, line 11, strike ''$2,287,000'' and insert ''$5,287,000''.

AMENDMENT NO. 1704

(Purpose: To extend the term of the National Prison Rape Elimination Commission)

On page 142, after line 3, insert the following:

SEC. ____. Section 7(d)(3)(A) of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15606) is amended by striking ''2 years'' and inserting ''3 years''.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

AMENDMENT NO. 1687, AS MODIFIED

Ms. STABENOW. Mr. President, I ask unanimous consent the pending amendments be set aside. I call up amendment No. 1687, and I send a modification to the desk for immediate consideration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 1687), as modified, is as follows:

(Purpose: To provide funding for interoperable communications equipment grants)

On page 190, between lines 14 and 15, insert the following:

Sec. 522. (a) There are appropriated out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2006, $5,000,000,000 for interoperable communications equipment grants under State and local programs administered by the Office of State and Local Government Coordination and Preparedness of the Department of Homeland Security.

Ms. STABENOW. Mr. President, I ask unanimous consent that Senators LEVIN, SCHUMER, OBAMA, CLINTON, and BOXER be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Mr. President, all of America is hurting with the Katrina victims and their families. We are finding ways to help, to reach out, to make a difference in these critical weeks following the hurricane and the horrible disaster. Americans are donating record amounts of money, time, and supplies to help those displaced by the hurricane. The most important thing to do now is to save life, to provide shelter, food, and medical care for the people affected by this tragedy.

As is happening in many States, last week two jetliners arrived in Michigan with the first group of 289 hurricane evacuees. Troops and volunteers at our Battle Creek Air National Guard base are providing clean shelter, food, and clothing to all of these Americans. Last Friday, 46 more Americans were welcomed into Michigan, and we expect many more in the coming weeks.

We also have several Michigan State police teams, and more than 500 members of the Michigan National Guard in Louisiana and Mississippi assisting with relief efforts.

There are stories about people all across our great Nation who are answering the call to help the men and women who have been displaced and hurt by the hurricane. In Michigan, families and businesses are working together to help the victims. Michigan-based Whirlpool, for example, is donating $1 million in cash and products for Hurricane Katrina relief efforts.

On Friday, the State of Michigan held a statewide on-air fundraiser where Michiganians generously donated time and dollars for Red Cross hurricane relief efforts.

There are so many individual stories of heroism and generosity rising from the depth of this catastrophe, both in the States affected by the hurricane and in communities such as mine all across America. These are important stories right now—saving lives, finding shelter, food, and medical care, and raising money to help hurricane victims. But there is another story to tell here as well. It is about the Federal Government and our responsibility to all Americans to be prepared not only for this kind of disaster but for a coordinated response to help save lives and prevent chaos.

We all watched in horror the images of families trapped in New Orleans after the hurricane; mothers with babies and young children stranded on highway overpasses, making their desperate pleas for help; families clinging to the roof of their flooded home, waving the shirts off their backs for help; senior citizens trapped in flooded nursing homes without food, water, and medical care. An estimated 55,000 people were stranded in the New Orleans Superdome and convention center, left for days—left for days—without food, water, and working bathrooms, waiting to be rescued. Thousands of people sat outside the Superdome in the heat and the filth for days waiting for convoys of buses which were slow to arrive because of FEMA's lack of planning and poor communication.

How could this happen in the United States of America, the greatest country on Earth? How could this happen? How could we allow stranded people to die without getting them water and food and medical care?

In this time immediately following this disaster, we have an obligation to correct the mistakes on crisis response. We need to address how the Federal Government could have better handled the response to Hurricane Katrina and what should have been done to prevent the disorder and death that followed this tragedy. It is absolutely critical that local communities have the tools they need to communicate, coordinate, and respond effectively when disaster hits. They did not have that in New Orleans and the other places that were hit, where the police departments in three nearby parishes were on different radio systems. They did not have enough satellite phones. They had ground and cell phone lines that were taken out with this storm. The communications systems they did have, like most in local communities across the Nation, were not interoperable. They were not connected. They didn't work together. Police officers called Senator LANDRIEU's office, and I am sure Senator VITTER's office as well, because they could not reach commanders on the ground in New Orleans.

In the absence of communication with other emergency responders due to the lack of interoperability, power, or dying batteries, responders shared satellite phones that were in short supply.

According to Aaron Broussard, president of the Jefferson Parish, FEMA